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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,858	08/23/2002	Judy Martin	37104112001	4593
26496	7590	02/24/2005	EXAMINER	
GREENBERG & LIEBERMAN 314 PHILADELPHIA AVE. TAKOMA PARK, MD 20912			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,858

Applicant(s)

MARTIN ET AL.

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 26 August 2003. These drawings are unacceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-9, 11, and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 872,124 to Hammarén.

Hammarén discloses a bicycle seat that includes all the limitations recited in claims 1-4, 6-9, 11, and 13-18. Hammarén shows a bicycle seat having a first member (Fig. 1) with forward and rearward portions c,a (Fig. 1) to received a user's buttocks, a second member (Fig. 1) with forward and rearward portions d,b (Fig. 1) to received a user's buttocks, and two connection members r,q (Fig. 1) disposed between the forward portions and rearward portions of the first and second members wherein the first and second forward portions are *capable* of being disposed together without any forward gap therebetween and the first and second members are asymmetrical halves of the

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seat that do not interlock and the connection members have a rod m,n,o,p (Fig. 1) in combination with a bolt m',n',o',p' (Fig. 1) and mounted to a seat bar or rails f (Fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

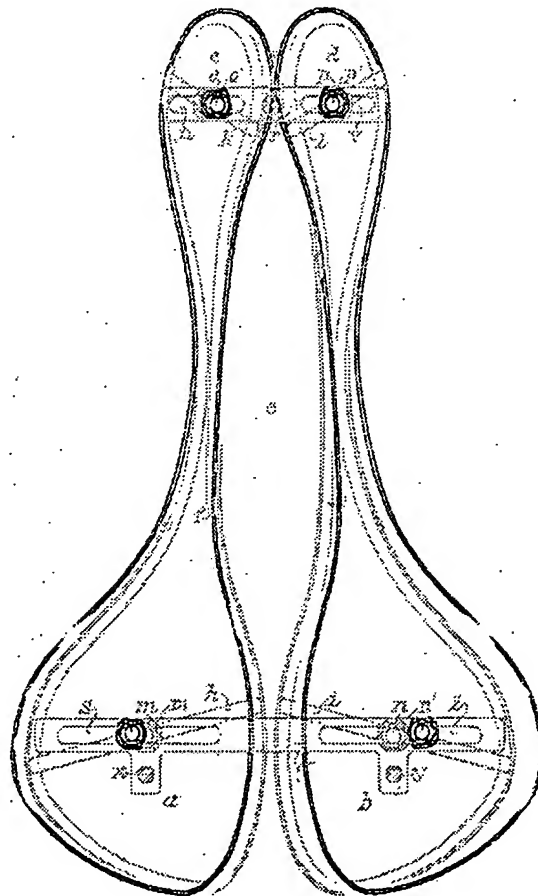
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammarén in view of U.S. Patent No. 6,290,291 B1 to Kojima.

Hammarén discloses a bicycle seat that is basically the same as that recited in claims 5 and 12 except that the connection members lack turnbuckles, as recited in the claims. Kojima shows a bicycle seat similar to that of Hammarén wherein the connection member 18 (Fig. 3) has a turnbuckle 54 (Fig. 3) in combination with two screws 56a,56b (Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bicycle seat of Hammarén such that the connection members have turnbuckles in combination with two screws, such as the bicycle seat disclosed in Kojima. One would have been motivated to make such a modification in view of the suggestion in Kojima that the seat having a connection member with a turnbuckle allows for an infinitely adjustable seat with widths varying between a city-style saddle and a road racing-type saddle.

Response to Arguments

6. Applicant's arguments filed 03 June 2004 have been fully considered but they are not persuasive. Applicant argues that the prior art fails to show a seat having a first forward portion and a second forward portion that can be disposed apart but also together without any forward gap therebetween. However, Hammarén shows a seat with adjustable first and second forward portions capable of being disposed apart and together without any forward gap therebetween. For illustrative purposes, See the below drawing showing a seat of Hammarén in an adjusted position with the first and second forward portions being together without any forward gap therebetween.



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The rejection under 35 USC 103(a) drawn toward claims 5 and 12 was argued solely on the premise that the cited art does not teach or suggest the seat defined in amended claims 1 and 8, and as a result the above 35 USC 103(a) rejection of claims 5 and 12 remains.

Upon consideration of the Applicant's arguments, Examiner maintains the rejections of claims 1-9 and 11-18.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE
February 16, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600